

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION**

**OLD WEST FEDERAL CREDIT
UNION,**

Plaintiff,

v.

**NICHOLAS CLAYTON SKILLMAN,
et al.,**

Defendants.

Case No. 2:11-cv-01170-SU

**OPINION AND ORDER ON FINDINGS
AND RECOMMENDATION**

SIMON, District Judge.

Magistrate Judge Patricia Sullivan issued findings and recommendation in the above-captioned case on September 6, 2012. Dkt. 36. Judge Sullivan recommended that Plaintiff's Motion for Entry of Award of Attorney Fees and Costs (Dkt. 30) and Bill of Costs (Dkt. 29) should be granted, with a reduced award of attorneys fees in the sum of \$35,466.65 and a reduced award of costs in the amount of \$4,041.31. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court

shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe a standard of review. In such cases, “[t]here is no indication that Congress . . . intended to require a district judge to review a magistrate’s report[.]” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also United States. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.) (*en banc*), *cert. denied*, 540 U.S. 900 (2003) (the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Sullivan’s findings and recommendation for clear error on the face of the record. No such error is apparent. Therefore the court orders that Judge Sullivan’s findings and recommendation, Dkt. 36, is ADOPTED.

Dated this 28th day of September, 2012.

/s/ Michael H. Simon
 Michael H. Simon
 United States District Judge